IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

OP.No. 33860 of 2002(E)

PETITIONER:

K.ABDUL AZEEZ, AGED 57 YEARS, OVELIL VEEDU, FATHIMAPURAM P.O., CHANGANASSERI, KOTTAYAM DISTRICT, SPECIAL GRADE SECRETARY (RETD.) NENMENI GRAMA PANCHAYATH, KALPETTA, WAYANAD DIST.

BY ADV. SRI.M.P.KRISHNAN NAIR

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY SECRETARY, LOCAL ADMINISTRATION, THIRUVANANTHAPURAM**

2. **DIRECTOR OF PANCHAYATS, THIRUVANANTHAPURAM.**

3. **DEPUTY DIRECTOR OF PANCHAYATS, KALPETTA WAYANAD.**

4. **DEPUTY SUPERINTENDENT OF POLICE, (VIGILENCE AND ANTI-CORRUPTION BUREAU) KOTTAYAM DISTRICT**

5. **ACCOUNTANT GENERAL OF KERALA, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.57261/2002 IN OP. NO.33860/2002

DISMISSED

22.06.2007 **SD/- T.R.RAMACHANDRAN NAIR, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE LETTER NO. A45-3959/2000, DT. 31.1.02 ISSUED BY THE 3RD RESPONDENT.

EXT.P2:- COPY OF THE LETTER , DT. 10.4.02 ISSUED BY THE 5TH RESPONDENT.

/TRUE COPY/

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T.R. Ramachandran Nair, J.

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O.P.NO.33860 of 2002-E

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Dated this the 22nd day of June, 2007

JUDGMENT

The petitioner is a pensioner who retired from service on 30.1.2000 while serving as Special Grade Secretary, Nenmeni Grama Pancyayat in Wayanad District. Aggrieved by the non-sanctioning of the pensionary benefits, the petitioner has filed this original petition seeking various reliefs.

2. It appears that there was a vigilance enquiry against the petitioner and in connection with the same, the fourth respondent had procured the service book of the petitioner through the Deputy Director of Panchayats, Kalpetta, Wayand district. That was on 16.8.1999. The petitioner is one of the accused in C.C. No.12/2002 on the file of the Enquiry Commissioner and Special Judge,Thrissur. It appears that the 4th respondent did not return the service book to the Deputy Director of Panchayats before his retirement. The same has not been forwarded to the Accountant General for processing the monthly pension and other retirement benefits to the petitioner which has resulted in the denial of pensionary benefits to him.

3. It appears that the petitioner had been moving various authorities in the matter. Ext.P1 is the letter dated 31.1.2002 by which the Deputy

Director of Panchayats, Wayanad forwarded the pension application of the petitioner to the Accountant General (A & E),Thiruvananthapuram for sanctioning anticipatory pension. It is noted therein that his service book is under vigilance custody. Ext.P2 is a communication issued by the Accountant General to the petitioner whereby it is noted that the service book has not been forwarded so far. It is at this stage the petitioner approached this court.

4. Learned counsel for the petitioner pointed out that even now the service book of the petitioner has not been returned by the 4th respondent to the Deputy Director of Panchayats for transmitting the same to the Accountant General and therefore he is unable to draw the pension and other benefits.

5. In the statement filed on behalf of the third respondent, it has been pointed out that the service register of the petitioner was submitted by the third respondent to the Deputy Superintendent of Police, Vigilance and Anti Corruption Bureau, Kottayam as per his letter No.A1-590/96 dated 16.8.1999. It is also stated that as per letter No.A1-590/96 dated 10.11.2000, 2.2.2001 and 23.12.2001 which were sent under registered post with acknowledgment due, he had requested the 4th respondent to return the service register of the petitioner. It is also averred that as per letter

No.V.C1/99/KTM dated 14.2.2001, the Dy. S.P. Of Vigilance, Kottayam had forwarded the service register of the petitioner to the Government along with enquiry report and hence he is not in a position to return the service register to the Deputy Director of Panchayats. The statement also reveals the attempts made by the Deputy Director of Panchayats for procuring the service register of the petitioner. It is also evident that the Deputy Director had submitted proposal for sanctioning anticipatory pension to the petitioner as per letter No.3959/2000 dated 31.1.2002. It is stated that he had submitted the proposal for provisional pension as per the direction of the Accountant General.

6. The above facts reveal the sorry state of affairs whereby in spite of the best efforts by the third respondent, the service book has not been returned by the Government or by the 4th respondent to the Accountant General. Because of the above attitude of the respondents, the petitioner had been put to real hardship which cannot be compensated in terms of money also. The lethargy of the administration has resulted in this litigation also by an officer who had been serving the department for long. It appears that in spite of the filing of the original petition, nobody had been taking any steps in the matter so as to see that eligible pension claims of the petitioner are sanctioned and he is able to draw the pension and other

benefits.

7. Therefore, the first respondent is directed to forward the service book of the petitioner which was forwarded to the Government by the 4th respondent Deputy Superintendent of Police, within a period of one month from the date of receipt of a copy of this judgment. The Government will return the same to the third respondent who will take expeditious steps immediately on receipt of the same from the Government to forward the same to the 5th respondent. The 4th respondent Deputy Superintendent of Police, is also directed to follow up steps in the matter forthwith. On receipt of the same, the fifth respondent will process the pension application and sanction the eligible amount to the petitioner along with the admissible amount of retirement benefits, without any further delay.

The original petition is disposed of in the above terms.

(T.R. Ramachandran Nair, Judge.)

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T.R. Ramachandran Nair, J.

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O.P.NO.33860 of 2002-E

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JUDGMENT,

22nd day of June, 2007